

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
KAREN MILLER,

Plaintiff,

- against -

CAROLYN W. COLVIN,  
Commissioner of Social Security,

Defendant.  
-----X

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/30/2013

**REPORT AND  
RECOMMENDATION  
TO THE HONORABLE  
LORNA G. SCHOFIELD**

12 Civ. 3708 (LGS) (FM)

**FRANK MAAS**, United States Magistrate Judge.

Pro se plaintiff Karen Miller brings this action to seek review of a final decision of the Commissioner of the Social Security Administration (“Commissioner”) finding her not disabled. The Commissioner has moved to remand the case for further proceedings so that the Administrative Law Judge (“ALJ”) can make additional findings and more adequately consider the impact of Ms. Miller’s left eye blindness on her ability to perform light work. (ECF No. 21).


During a telephone conference earlier today, Ms. Miller consented on the record to having the case remanded to the Social Security Administration. Accordingly, the case should be remanded for further administrative proceedings pursuant to the fourth

sentence of 42 U.S.C. § 405(g).<sup>1</sup> In light of this recommendation, I have closed the reference to me.

Notice of Procedure for Filing of Objections to this Report and Recommendation

The parties shall have fourteen days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a) and (d). Any such objections shall be filed with the Clerk of the Court, with courtesy copies delivered to the chambers of the Honorable Lorna G. Schofield and to the chambers of the undersigned at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and to any opposing parties. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d), 72(b). Any requests for an extension of time for filing objections must be directed to Judge Schofield. The failure to file these timely objections will result in a waiver of those objections for purposes of appeal. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d), 72(b); Thomas v. Arn, 474 U.S. 140 (1985).

Dated: New York, New York  
May 30, 2013

  
\_\_\_\_\_  
FRANK MAAS  
United States Magistrate Judge

---

<sup>1</sup> As the Supreme Court has noted, the Act authorizes two types of remands: remands pursuant to the fourth sentence of Section 405(g) and remands pursuant to the sixth sentence of that statute. Melkonyan v. Sullivan, 501 U.S. 89, 97-98 (1991). Sentence six remands apply only when new evidence has come to light after the administrative hearing that might change the result. Id. at 98. In all other circumstances, the remand is pursuant to sentence four. Id. In a sentence four remand the Court enters judgment and does not retain jurisdiction over the matter. Id. at 99.

Copies to:

Honorable Lorna G. Schofield (via hand delivery)  
United States District Judge

Karen Miller (via United States mail)  
2111 Southern Blvd., Apt. #7F  
Bronx, New York 10457

Leslie A. Ramirez-Fisher, Esq. (via ECF)  
United States Attorney's Office  
Southern District of New York  
86 Chambers Street, 3rd Floor  
New York , New York 10007